

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PAUL PHELPS,

Plaintiff,

v.

PEREZ, *et al.*,

Defendants.

No. 1:20-cv-01108-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS

(Doc. No. 11)

Plaintiff Paul Phelps (“Plaintiff”) is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 5, 2021, the assigned magistrate judge screened plaintiff’s first amended complaint and found the following cognizable claims: (1) excessive force by Sgt. Townsend and Officer Bettes in violation of the Fourteenth Amendment; (2) supervisor liability against Chief Manual Perez in violation of the Fourteenth Amendment; and (3) *Monell* liability against the County of Madera in violation of the Fourteenth Amendment. (Doc. No. 11.) The magistrate judge further recommended that all other claims be dismissed from this action based on plaintiff’s failure to state claims upon which relief may be granted. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen (14) days after service. (*Id.* at 11.) No objections have been filed, and the time to do so has expired.


1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
3 and recommendations to be supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on November 5, 2021, (Doc. No. 11), are  
6 adopted in full;
- 7 2. This action shall proceed on plaintiff's first amended complaint, filed October 20,  
8 2021, (Doc. No. 9), on the following claims:
  - 9 a. Excessive force by Sgt. Townsend and Officer Bettes in violation of the  
10 Fourteenth Amendment;
  - 11 b. Supervisor liability against Chief Manuel Perez in violation of the Fourteenth  
12 Amendment; and
  - 13 c. *Monell* liability against the County of Madera in violation of the Fourteenth  
14 Amendment
- 15 3. All other claims are dismissed from this action for failure to state claims upon which  
16 relief may be granted; and
- 17 4. This action is referred back to the magistrate judge for proceedings consistent with this  
18 order.

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20 IT IS SO ORDERED.

21 Dated: **December 8, 2021**

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24 UNITED STATES DISTRICT JUDGE  
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